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CHRISTINE DOUGHERTY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE DOUGHERTY,

Plaintiff,

v.

AMCO INSURANCE COMPANY and
DOES ONE through TWENTY, Inclusive,

Defendants.

) NO. C 07-01140 MHP

) **[PROPOSED] ORDER RE: MOTION**
) **FOR SUMMARY ADJUDICATION**

) Date: June 9, 2008

) Time: 2:00 p.m.

) Judge: Hon. Marilyn Hall Patel

) Dept.: 15

1 Plaintiff's Motion for Summary Adjudication came on for hearing on June 9,
2 2008 at 2:00 p.m. in Department 15 of the above-entitled court, the Honorable Marilyn
3 Hall Patel presiding. Stephen M. Murphy appeared on behalf of Plaintiff CHRISTINE
4 DOUGHERTY. Julian J. Pardini appeared on behalf of Defendant AMCO
5 INSURANCE COMPANY. After reviewing the papers submitted in support of and in
6 opposition to the motion, and after hearing oral argument, the Court finds as follows:

7 Plaintiff's Motion for Summary Adjudication is GRANTED as to liability on
8 Plaintiff's causes of action for Breach of Contract and Breach of Covenant of Good
9 Faith and Fair Dealing.

10 This Court FINDS based on the undisputed material facts as follows: 1)
11 Defendant breached its contractual obligations under the policy it issued to Plaintiff
12 when Defendant unreasonably withheld policy benefits due to Plaintiff pursuant to her
13 underinsured motorist claim; and 2) Defendant unreasonably failed to investigate
14 Plaintiff's underinsured motorist claim prior to its determination that Plaintiff was not
15 owed policy benefits.

16 Each of the above findings is independently sufficient to support Defendant's
17 liability to Plaintiff on both of her causes of action. The parties, however, dispute the
18 amount of compensatory damages due to Plaintiff. The parties further dispute
19 whether Plaintiff is entitled to punitive damages. "An interlocutory summary judgment
20 may be rendered on liability alone, even if there is a genuine issue on the amount of
21 damages." F.R.C.P. 56(d)(2). All issues relating to the amount and type of damages
22 due to Plaintiff are to be resolved in further proceedings of this Court.

23 IT IS SO ORDERED.

24 DATED: _____

25 _____
26 HON. MARILYN HALL PATEL
27 Judge, United States District Court
28 Northern District of California